

years ago, when I ran and this question came up in the debate I had with JOE LIEBERMAN, that my view was that that's appropriately a matter for the States to decide and that's how it ought to be best handled."

I very rarely agree with the Vice President of the United States, but I think he makes an awful lot of sense on this issue, and I think he makes a compelling case why we should not be moving forward with a constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this afternoon, we will debate and vote on the Marriage Protection Amendment. And let us be clear. This debate today is not about denying anyone rights. This is ensuring that the will of the people is protected.

My home State of South Carolina is one of 44 States that has already enacted laws defining marriage as a union between a man and a woman. They voted, and they decided how marriage should be defined. So I stand here today as their representative, wondering why that will and that the will of over 70 percent of Americans nationwide should be tossed aside because a few activist judges disagree.

Unfortunately, as we stand here today, we are faced with the fact that a handful of these judges have taken it upon themselves to hand down rulings that in effect amend the Constitution of the United States. They have circumvented the democratic process with their rulings. Therefore, the decision we are now left with is not whether the Constitution will be amended but who will amend it, activist judges or the American people.

Every American should have the opportunity to vote on this important issue. The institution of marriage deserves protection. It is our most basic social institution for protecting children. Preserving it sends a message to our children about marriage and traditional family life and values.

Mr. Speaker, I hope my colleagues will join me today in supporting the marriage protection amendment. It is time to get the debate back where it belongs, with the American people.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just like to read a couple of other quotes here which I think are enlightening. One from JOHN MCCAIN, Republican Senator from Arizona where he said: "The constitutional amendment we're debating today strikes me as antithetical in every way to the core philosophy of Republicans." He added, the amendment "usurps from the States a fundamental authority they have always possessed and imposes a federal remedy for a problem that most States do not believe confronts them."

Let me read one other quote here. "It seems to me that the power to regulate 'commerce' can by no means encompass authority over mere gun possession any more than it empowers the Federal Government to regulate marriage, littering, or cruelty to animals throughout the 50 States. Our Constitution quite properly leaves such matters to the individual States." And that is from the words of Supreme Court Justice Clarence Thomas in U.S. v. Lopez.

Mr. Speaker, today, we have the opportunity to do the right thing. We have the opportunity to reject the politics of division and discrimination. We have the opportunity to protect the Constitution of the United States, to stay on the path toward equal protection under the law for every single American. We have the opportunity to act in a way that reflects well on this institution and the people we are elected to serve.

I am encouraged, Mr. Speaker, by the number of Republicans who will vote "no" on this misguided constitutional amendment today. And I am proud to stand with them.

We will hear a lot about Massachusetts today. A son of our State named John F. Kennedy once said, "The heart of the question is whether all Americans are to be afforded equal opportunities, whether we are going to treat our fellow Americans as we want to be treated." Mr. Speaker, that is indeed the heart of the question.

I urge my colleagues to seize this opportunity, vote "no" on this constitutional amendment.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MARRIAGE PROTECTION AMENDMENT

Mr. DELAY. Mr. Speaker, pursuant to House Resolution 801, I call up the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 106 is as follows:

H.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. SHORT TITLE.

"This Article may be cited as the 'Marriage Protection Amendment'.

"SECTION 2. MARRIAGE AMENDMENT.

"Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

The SPEAKER pro tempore. Pursuant to House Resolution 801, the Chair at any time may postpone further consideration of the joint resolution until a time designated by the Speaker.

The gentleman from Texas (Mr. DELAY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour and 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 7 minutes to the distinguished gentlewoman from Colorado (Mrs. MUSGRAVE), the author of this amendment.

Mrs. MUSGRAVE. Mr. Speaker, I rise to speak in favor of the proposed marriage protection amendment to the Constitution of the United States of America.

Before addressing the merits of the marriage protection amendment, I want to thank the gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. DELAY) for bringing this bill up.

I know there are some in Congress and the media who do not believe traditional marriage rises to the level of importance to be considered on the floor today.

The American people disagree with them. This bill is about protecting the institution of marriage, which, as the Supreme Court said many years ago, is "the foundation of the family and of society, without which there would be neither civilization nor progress."

□ 1345

Since Labor Day, this Congress has spent time renaming post offices and Federal buildings, Mr. Speaker. If we have enough time to rename post offices and Federal buildings, surely we have enough time to spend an afternoon considering whether the very foundation of traditional marriage will endure another 200 years.

On one matter, however, I do agree with the opponents of this bill: We should not lightly undertake to amend the Constitution. In the 213 years since

the Bill of Rights was adopted, the Constitution has been amended only 17 times, an average of once every 12½ years.

As a conservative I understand, perhaps better than most, the national consensus that the Constitution should be amended only rarely. Indeed, I wish we could leave the Constitution alone and this amendment was unnecessary, and if there was any other way to protect marriage, I would be the first to support it. Unfortunately, this is not the case. The matter has been forced upon us, and, whether we like it or not, the Constitution is about to be amended.

Let me say that again: The choice before us is not whether to amend the Constitution or leave it unamended. One way or another, the Constitution will be amended, and the only choice we have is whether to act now and accomplish the amendment through the procedures specified in the Constitution itself, or fail to act, in which case the amendment would be accomplished *de facto* by activist courts bent on imposing by judicial fiat a transformation of traditional marriage that is unsought and unwanted by the American people.

How do I know what the American people want? Simple. When the people are given a voice in this matter, they support traditional marriage by overwhelming margins. Last month, for example, the people of Missouri approved a marriage protection amendment to their State constitution by a margin of 70.8 percent, and 2 weeks ago the people of Louisiana approved a similar amendment by a margin of 78 percent. Yet the people's will does not seem to count with the courts.

Last year, Justice Scalia warned us in their *Lawrence* decision that the Supreme Court was paving the way for activist judges to redefine traditional marriage. Even after Justice Scalia's warning, few of us were prepared for the breathtaking speed with which events would overtake us. Only months later, the Massachusetts Supreme Judicial Court decreed that for the first time in the history of this Nation, a State would be required to issue marriage licenses to same-sex couples.

The Massachusetts courts are not alone. Only last month, courts in Washington struck down as unconstitutional that State's Defense of Marriage Act in cases concerning the recognition of same-sex marriages.

Even in the face of this judicial onslaught, some argue that we should wait to act until after the Supreme Court has ruled on the constitutionality of the Federal Defense of Marriage Act. Does anyone else see the irony here? Many of those who spoke the loudest that DOMA was unconstitutional when it was enacted in 1996 are the very same ones who now say we ought to presume DOMA is constitutional until the courts tell us otherwise.

I say if we could place our confidence in the Supreme Court, there would be

no need for the marriage protection amendment in the first place. But in *Lawrence*, Justice O'Connor wrote a concurring opinion in which she specifically stated that she believed preserving the traditional institution of marriage would be a sufficient basis for upholding a State marriage law. The five members of the *Lawrence* majority had an obvious opportunity to join Justice O'Connor's position and thus reassure us on this issue. Instead, they chose to remain silent. Let me suggest their silence speaks volumes.

No, we must not wait. The trajectory of the courts' decisions is unmistakable, and we must act now to preserve traditional marriage. We have already seen that even one State's misadventure in this area has had egregious nationwide consequences, as activists file lawsuit after lawsuit seeking to export same-sex marriages to other States. Ironically, it will take an amendment to the Federal Constitution to force this issue out of the courts and back to State legislatures, where it has always been and where it properly should be.

Mr. Speaker, some people have opposed the marriage protection amendment on the grounds that it discriminates. But it is not the marriage protection amendment that discriminates against homosexuals. Rather, the institution of marriage, as it has been understood for millennia, by its very nature is reserved exclusively for persons of the opposite sex. Moreover, society has always limited the pool of persons available for marriage by age, blood ties, mental capacity, and other considerations.

The limitations of traditional marriage rest not on an intent to discriminate, but on what is most beneficial for society and children, as evidenced by volumes of social science research. Traditional marriage is worth preserving because the nuclear family is far and away the best environment in which to raise children. Every child deserves both a father and a mother.

Yes, traditional marriage has had its problems. The high divorce rate, infidelity, and domestic violence are a national scandal, but far from undermining my point, these trends reinforce it because we are dismayed by these trends for the very reason that they lead to the break-up of traditional families, which leads to more and more children being deprived of the tremendous benefit of having both their mom and dad around to raise them.

In conclusion, Mr. Speaker, let me say I wish traditional marriage was not under attack, but it is. I wish we did not have to deal with this problem now, but we do. Like it or not, the courts have thrust this burden on us and we must not fail to shoulder it.

We as Members of Congress have a responsibility to restrain activist judges who think they can, without devastating consequences to our society, simply jettison the collective wisdom of thousands of years without the input or consent of the American public or their elected Representatives.

Mr. Speaker, I encourage my colleagues to support the marriage protection amendment.

I submit the following letter for the RECORD.

Congresswoman MARILYN MUSGRAVE,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MUSGRAVE: The United States House of Representatives is considering whether or not to send a constitutional amendment protecting marriage to the States for their consideration. Contrary to recent arguments and assertions, I believe that this amendment is consistent with—and increasingly necessary to uphold—the principles of federalism so important to our constitutional government.

The Framers rightly left marriage policy, as so many other things, with the States. But the definition of marriage is not mere policy issue. It strikes at the very integrity and meaning of one of the primary elements of civil society.

In a free society, certain questions must be settled for the good of that society. States can't impair the obligation of contracts, or coin their own money, or experiment with forms of non-republican government. We learned the hard way that the nation could not endure half slave and half free.

As marriage is a fundamental social institution, it is not only reasonable but also obligatory that it be preferred and defended in the law. Activist judges forcing the redefinition of marriage make it necessary to protect the institution in the U.S. Constitution.

This doesn't mean that marriage must be completely nationalized or should become the regulatory responsibility of the federal government. Policy decisions concerning questions such as degrees of consanguinity, the age of consent, and the rules of divorce should remain with the States.

The wisdom of extending certain benefits that stop well short of marriage—that don't undermine the distinctive status of marriage—are policy questions that should be the responsibility of State legislatures.

A Constitutional amendment that defines marriage and blocks the actions of overzealous judges would protect the States's capacity to regulate marriage by protecting the integrity of the institution as such.

In order to guard the States' liberty to determine marriage policy in accord with the principles of federalism, society as a whole must prevent the institution itself from being judicially redefined out of existence.

The constitutional amendment process is neither an exclusively federal nor an exclusively State action: It is a shared responsibility of both Congress and the States representing the American people. By intention, it is a very difficult process.

Constitutional amendments ought to be rare and should be pursued only after careful and serious consideration, when it is necessary to address an issue of great national magnitude and when there is broad-based support among the American people throughout the States, as there is concerning marriage.

Is marriage sufficiently important to protect in the United States Constitution?

Despite our reluctance to amend our most sacred law—despite the significance of the endeavor and awesome task involved—recent and impending judicial activism justifies this course of action.

Thank you for considering and sharing these concerns with other Members of Congress.

Sincerely,

EDWIN MEESE, III,
Chairman, Center for Legal & Judicial
Studies, The Heritage Foundation.

TESTIMONY OF REVEREND RICHARD RICHARDSON, ST. PAUL AFRICAN METHODIST EPISCOPAL (AME) CHURCH, THE BLACK MINISTERIAL ALLIANCE OF GREATER BOSTON, CHILDREN'S SERVICES OF ROXBURY, INC., BOSTON, MA

(Before the Senate Judiciary Constitution Subcommittee—March 3, 2004)

Chairman Cornyn, Ranking Member Feingold, and other distinguished members of the subcommittee, thank you for the opportunity to come before you today.

My name is Richard W. Richardson. I am an Ordained Minister in the African Methodist Episcopal Church in Boston, Massachusetts. I am also President and CEO of Children's Services of Roxbury, a child welfare agency. I've worked in the field of child welfare for almost 50 years. In addition, I have been a foster parent myself for 25 years.

Finally, I serve as chairman of the Political Affairs Committee of the Black Ministerial Alliance of Greater Boston. The BMA has a membership of 80 churches from within the greater Boston area, whose primary members are African American, and number over 30,000 individuals and families. I am here today to offer testimony on behalf of the BMA as well as myself.

The BMA strongly supports the traditional institution of marriage, as the union of one man and one woman. That institution plays a critical role in ensuring the progress and prosperity of the black family and the black community at large. That's why the BMA strongly supports a federal constitutional amendment defining marriage as the union of one man and one woman, and why the BMA is joined in that effort by the Cambridge Black Pastor's Conference and the Ten Point Coalition.

The BMA didn't come at this conclusion lightly. I never thought that I would be here in Washington, testifying before this distinguished subcommittee, on the subject of defending traditional marriage by a constitutional amendment. As members of the BMA, we are faced with many problems in our communities, and we want to be spending all of our energies working hard on those problems. We certainly didn't ask for a nationwide debate on whether the traditional institution of marriage should be invalidated by judges.

But the recent decision of four judges of the highest court in my state, threatening traditional marriage laws around the country, gives us no choice but to engage in this debate. The family and the traditional institution of marriage are fundamental to progress and hope for a better tomorrow for the African-American community. And so, much as we at the BMA would like to be focusing on other issues, we realize that traditional marriage—as well as our democratic system of government—is now under attack. Without traditional marriage, it is hard to see how our community will be able to thrive.

I would like to spend some time explaining why the definition of marriage as the union of one man and one woman is so important—not just to the African-American community, but to people of all religions and cultures around the world.

To put it simply: We firmly believe that children do best when raised by a mother and a father. My experience in the field of child welfare indicates that, when given a choice, children prefer a home that consists of their mother and father. Society has described the "ideal" family as being a mother, father, 2.5 children and a dog. Children are raised expecting to have a biological mother and father. It is not just society—it is biology, it is basic human instinct. We alter those expectations and basic human instincts at our peril, and at the peril of our communities.

The dilution of the ideal—of procreation and child-rearing within the marriage of one man and one woman—has already had a devastating effect on our community. We need to be strengthening the institution of marriage, not diluting it. Marriage is about children, not about adult love. As a minister to a large church with a diverse population, I can tell you that I love and respect all relationships. This discussion about marriage is not about adult love. It is about finding the best arrangement for raising children, and as history, tradition, biology, sociology, and just plain common sense tells us, children are raised best by their biological mother and father.

Let me be clear about something. As a reverend, I am not just a religious leader. I am also a family counselor. And I am deeply familiar with the fact that many children today are raised in nontraditional environments. Foster parents. Adoptive parents. Single parents. Children raised by grandparents, uncles, aunts. I don't disparage any of these arrangements. Of course I don't. People are working hard and doing the best job they can to raise children. That doesn't change the fact that there is an ideal. There is a dream that we have and should have for all children—and that is a mom and dad for every child, back or white.

I don't disparage other arrangements. I certainly don't disparage myself. As a foster parent to more than 50 children, a grandparent of seven adopted grandchildren, and almost 50 years of working with children who have been separated from their biological parent(s) and are living in a foster home, been adopted, or in any other type of nontraditional setting, I can attest that children will go to no end to seek out their biological family. It is instinct—it is a part of who we are as human beings, and no law can change that. As much as my wife and I shared our love with our foster children, and still have a lasting relationship with many of them, it did not fill that void that they experienced.

I want to spend my last few moments talking about discrimination. I want to state something very clearly, without equivocation, hesitation, or doubt. The defense of marriage is not about discrimination. As an African-American, I know something about discrimination. The institution of slavery was about the oppression of an entire people. The institution of segregation was about discrimination. The institution of Jim Crow laws, including laws against interracial marriage, was about discrimination.

The traditional institution of marriage is not discrimination. And I find it offensive to call it that. Marriage was not created to oppress people. It was created for children. It boggles my mind that people would compare the traditional institution of marriage to slavery. From what I can tell, every U.S. Senator—both Democrat and Republican—who has talked about marriage has said that they support traditional marriage laws and oppose what the Massachusetts court did. Are they all guilty of discrimination?

Finally, I want to mention something about the process. I know that the Massachusetts legislature is currently considering this issue, and I hope that they do. The court has told us that we cannot have traditional marriage and democracy until 2006 at the earliest. That is wrong, that is antidemocratic, that is offensive, and that is dangerous to black families and the black community.

But importantly, a state constitutional amendment will not be enough. I know that the Attorney General of Nebraska is here, and I am honored to share the panel with him. I am not a lawyer. But I know the lawyers who have been fighting to abolish traditional marriage laws in Massachusetts. I

have been in the courtrooms and seen them argue. They are good people, and well meaning. But I can tell you this—they are tenacious, they are aggressive, and they will not stop until every marriage law in this nation is struck down under our U.S. Constitution. And every schoolchild learns in civics class knows that the only way to stop the courts from changing the U.S. Constitution is a federal constitutional amendment.

The defense of marriage should be a bipartisan effort. I am a proud member of the Democratic Party. And I am so pleased that the first constitutional amendment protecting marriage was introduced by a Democrat in the last Congress. I am honored to have been invited here to testify in front of this subcommittee of both Republicans and Democrats. I hope that each and everyone of you will keep the issue of defending the traditional institution of marriage as a bipartisan issue.

Mr. Chairman, thank you for giving me the opportunity to represent the Black Ministerial Alliance of Greater Boston, the Cambridge Black Pastor's Conference, and the Ten Point Coalition, in reaffirming our support for a Federal Constitutional Amendment to define marriage as the union between a man and a woman. I would be pleased to take any questions.

TESTIMONY OF PASTOR DANIEL DE LEON, SR., ALIANZA DE MINISTERIOS EVANGELICOS NACIONALES (AMEN), PASTOR, TEMPLO CALVARIO, SANTA ANA, CALIFORNIA, GENERAL PRESBYTER, ASSEMBLIES OF GOD

(Before the Senate Judiciary Constitution Subcommittee—March 3, 2004)

Thank you, Mr. Chairman, members of the committee, ladies and gentlemen.

My name is Pastor Daniel de Leon, and I am here to represent the largest Hispanic Evangelical organization in the country, AMEN (Asociacion Evangelica de Ministerios Nacionales). AMEN is comprised of over 8,000,000 members, representing 27 denominations and 22 Latino nations. I am also the Pastor of the largest Hispanic Evangelical Church in America, Templo Calvario, in Santa Ana, California.

AMEN is a leading advocate on issues that concern the Hispanic community. On many issues, we work closely with our Catholic brethren. We are certainly working together on the issue we are discussing today—the institution of marriage, understood throughout history and across diverse religions and cultures as the union of one man and one woman. We have been a member of the Alliance for Marriage since its inception.

When I turned on my television a few weeks ago, and saw what was happening in San Francisco, I couldn't believe my eyes. As I sat there, several things came to mind.

First, I could not understand how an elected official could ignore and violate the laws of our state, and get away with it. I also could not understand why the courts would not stop this—why they would refuse to require an elected official to comply with the law of his state, and to respect the will of the people as expressed in our laws.

Second, it wasn't just that officials and judges were ignoring the law. It was much worse than that. They were ignoring a law that is so fundamental to society—and in particular, of great importance to my community, to the people who I counsel. They were ignoring the importance of the institution of marriage, as the union of one man and one woman.

Just a few years ago, Californians voted to reaffirm that marriage in the state of California is between a man and a woman only. Hispanics in particular voted overwhelmingly to uphold the traditional institution of

marriage. This is one institution, even though imperfect, that has withstood the test of time and has proven to bring a sense of stability to society for time immemorial.

The institution of marriage is designed for children, not for adult love. Adults can love in many ways—between brother and sister, between grandparents, uncles, aunts, between friends and loved ones. But marriage is for children. I am so saddened that we have forgotten that. And I am even more saddened that marriage is drifting further and further from what it is supposed to be all about—children. Adults seem to care more and more about one thing, themselves. This is one of the reasons why 50% of marriages wind up in divorce. We must strengthen marriage—not weaken it. And I fear that, if we start to abolish marriage laws in our nation, we will go further down the path of teaching people that marriage does not matter for the well-being of children, it only matters for the pleasure of adults.

I am not here because I want to be here. There are many problems in my community, and I should be there working on them, not here far away in Washington, D.C. But I have flown all the way here from California, because I need to be here, to defend the most basic institution of society for the good of all, on behalf of my community. Because without marriage, we have no hope of solving the other problems we are facing back home.

I live every day in the front-lines of Urban America, where the ills of society are magnified greatly. People like myself, who provide a service to our community, are often the ones that have to “pick up the pieces” when marriages and families fall. In my 30 years of counseling, I have often dealt with grown children that still harbor hurts and deep seated frustrations because they did not have a mother and a father.

I know that there are good people trying to raise children without a mother and a father. Perhaps it is the single parent. Or the grandparent or aunt and uncle. Or the foster parent. They do their best, and we admire and respect them for that. But at the same time, we want the very best for children—and that is a mother and father, and an institution that encourages people to give children both a mother and father.

I want to say something about civil rights and discrimination. My people know something about discrimination. The institution of marriage was not created to discriminate against people. It was created to protect children and to give them the best home possible—a home with a mother and father.

Some people talk about interracial marriage. Laws forbidding interracial marriage are about racism. Laws protecting traditional marriage are about children.

To us in the Hispanic community, marriage is more than a sexual relationship. It is a nurturing, caring and loving relationship between a man and a woman that is to remain intact “until death do us part.” Children are born into this loving relationship with a great sense of anticipation. We love our children and we love children as you can tell by the numbers!

Marriage between a man and a woman is the standard. A child is like a twig that is planted in the soil of our society that requires two poles to have the best chance of growing strong and healthy. Those two poles, if you will, are the parents, Dad and Mom. Very different and at a times even opposites but necessary for a balanced form of living.

Furthermore, marriage is a moral and spiritual incubator for future generations. Our children learn from their parents not only how to make a living but more importantly, how to live their life. This is not readily learned by a simple form of transference of

knowledge but rather through the experience of daily living. Children learn from observation. As the home goes, so goes society.

I believe that we need to send a positive message to our children and their children. That we cared enough about the most basic institution of our society, marriage between a man and a woman, that we passed a Constitutional Amendment to preserve it for future generations. This is not, and must not be, about party politics. This must be seen as our struggle as a social family to bring stability to a divided house.

The President is right when he said that, “On a matter of such importance, the voice of the people must be heard . . . if we are to prevent the meaning of marriage from being changed forever, our nation must enact a Constitutional Amendment to protect marriage in America.”

Thank you very much.

Mr. CONYERS. Mr. Speaker, I am very pleased to begin this discussion with the members of the Committee on the Judiciary and others that are joining us asking for time. Before I recognize the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, I yield myself such time as I may consume.

Mr. Speaker, I merely want to begin our discussion by observing how unnecessary consideration of this matter is at this point. No one in the Chamber is unaware of the fact that the obvious ploy by some is to play upon the worst fears of our citizens, who are deep into an election year, to deal extensively with a subject, a constitutional amendment, which every Member on this floor knows is going nowhere. The reason? Because it has already been defeated by the other body. The only conceivable point of this amendment is to energize the conservative political base.

Well, we are not buying into that, Mr. Speaker. We know that this is the reason that it is being done, because our distinguished majority leader only recently told us that we could not take up the assault weapons ban because we did not have the votes to pass it.

Well, do we have the votes to pass this amendment, a two-thirds requirement, while we are here on the floor less than 45 days before the election? I think that we know the answer to that.

We know that the States are fully capable of dealing with the issue of the same-sex relationship on their own. Our Nation has a long tradition of leaving questions relating to civil marriage to the States, and for more than 228 years the States have dealt with these issues, with marriage age limits, with miscegenation and divorce. Let us leave it with the States.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 801, further proceedings on H.J. Res. 106 will be postponed.

DIRECTING CLERK TO MAKE CHANGE IN ENGROSSMENT OF H.R. 5183, SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the change in the engrossment of H.R. 5183 that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the change.

The Clerk read as follows:

In subsection (1)(1) that is proposed to be added at the end of section 1101 of the Transportation Act of the 21st Century by section 2(d) of the bill (H.R. 5183), strike “\$21,311,774,667” and insert “\$22,685,936,000”.

The SPEAKER pro tempore. Without objection, the change is agreed to.

There was no objection.

MARRIAGE PROTECTION AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 801, proceedings will now resume on the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Texas (Mr. DELAY) had 68 minutes remaining and the gentleman from Michigan (Mr. CONYERS) had 72 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time, and I want to thank the gentlewoman from Colorado (Mrs. MUSGRAVE) for having the courage to bring this forth.

Our Constitution is one of our country's most sacred documents. It is the fulfillment of the promises made in the Declaration of Independence, and it is the backbone of our system of government. It identifies our rights as citizens, the roles and responsibilities of each branch of government, and identifies the limits that prevent government overreaching. It also ensures that our system of government remains a democratic system, whereby the people, through their elected Representatives and officials, make laws. This means a form of government under which laws are passed by the duly elected Representatives of the people, not by judges.

Amending our Constitution is the most democratic process in our Federal system of government, requiring two-thirds of each House of Congress and three-quarters of the State legislatures in order to pass a constitutional amendment. But it has been done and should only be done when principles for governing and for existing in society need to be stated.